



Attorney General
STATE CAPITOL
Phoenix, Arizona 85007

Robert H. Corbin

November 20, 1979

LAW LIBRARY ARIZONA ATTORNEY GENERAL

Mr. Thomas L. Palmer
Deputy County Attorney
Coconino County Attorney's Office
Coconino County Courthouse
Flagstaff, Arizona 86001

Re: I79-275 (R79-272)

Dear Mr. Palmer:

Pursuant to A.R.S. § 15-122(B), we decline to review your October 5, 1979 opinion addressed to the Superintendent of Tuba City Unified School District No. 15, relating to the district's participation with the United States Public Health Service in the cost of construction of a roadway adjacent to the district property. We believe that A.R.S. § 15-436(B), shielding the board from personal liability when relying upon the Attorney General's written opinion, applies equally to board action taken in reliance on a County Attorney's opinion which we have declined to review pursuant to A.R.S. § 15-122(B).

Sincerely,

A handwritten signature in cursive script that reads "Bob Corbin".

BOB CORBIN
Attorney General

BC/mm



OFFICE OF

County Attorney

COCONINO COUNTY
COCONINO COUNTY COURT HOUSE
Flagstaff, Arizona 86001
774-6011 Ext. 35

R-19- 272

Twis,
JOHN H. GRACE
COUNTY ATTORNEY

Rec'd
10-11-79
30
Palmer

October 5, 1979

Dr. Matthew Levario, Superintendent
Tuba City Unified School District No. 15
P.O. Box 67
Tuba City, Arizona 86045

Dear Dr. Levario:

This letter is in response to your request for a written opinion with regard to the District's participation with the United States Public Health Service in the cost of construction of a roadway adjacent to the district property.

In your letter, you stated the facts as follows:

The United States Public Health Service in Tuba City has contracted with S & M Construction of Flagstaff, Arizona for paving of approximately 300 feet of asphalt roadway adjacent to school district property. As per federal requirements, specifications were developed, request for bids advertised, and job finally awarded. Tuba City Public School officials were not involved in any of the preliminaries; however, will benefit from the project.

You posed the following question:

Under our current bidding laws, may the school district legitimately assist U.S. Public Health Service in defraying the total cost of the project in the amount of \$10,000?

It is the opinion of this office that the district may participate as indicated above pursuant to A.R.S. §15-1237. It is my understanding that the district has adjacent way funds for use on this project.

With respect to the "bidding issue", it is my opinion that those laws are inapplicable to this fact situation inasmuch as the district is not a contracting party with respect to the construction itself. As to the sharing of costs of the project the district should do so pursuant to an appropriate intergovernmental agreement, which could also consider questions of maintenance and access to the district property from the adjacent roadway.

A copy of this opinion is being sent to the Attorney General for concurrence; you should defer final action on the opinion until the Attorney General has ruled.

Sincerely,

Thomas L. Palmer, Deputy

cc: Attorney General